

FILED

UNITED STATES DISTRICT COURT

for the

Eastern District of Tennessee

Knoxville Division

2023 DEC 18 PM 12:20

US DISTRICT COURT  
EASTERN DIST. TENN.

Case No.

3:23-cv-449

(to be filled in by the Clerk's Office)

Cartez Horne

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Justin Thurman

Sean Phillips, John Hollinsworth

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Jury Demanded  
Varlan/Poplin

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Carter Horne

All other names by which  
you have been known:

ID Number

566820

Current Institution

Bledsoe County Correctional Complex

Address

1045 Horsehead Rd

Pikeville

City

TN

State

37367

Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Justin Thurman

Job or Title (*if known*)

Corporal

Shield Number

Employer

Bledsoe County Correctional Complex

Address

1045 Horsehead Rd

Pikeville

City

TN

State

37367

Zip Code



Individual capacity



Official capacity

Defendant No. 2

Name

John Hollinsworth

Job or Title (*if known*)

Corporal

Shield Number

Employer

Bledsoe County Correctional Complex

Address

Pikeville

City

TN

State

37367

Zip Code



Individual capacity



Official capacity

## Defendant No. 3

Name

Sean Phillips

Job or Title (if known)

Warden

Shield Number

Employer

Bledsoe County Correctional Complex

Address

1045 Horsehead Rd

Pikeville

City

TN

State

37367

Zip Code



Individual capacity



Official capacity

## Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

City

State

Zip Code



Individual capacity



Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

Federal officials (a *Bivens* claim)

State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

Causation and injury, Failure to provide treatment, Officials delay in medical treatment, Denied Medical Treatment

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

See Attach

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (*explain*) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

Lois M. DeBerry Special Needs facility Transit Hub Lot

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

Page 4 D.

The Warden Sean Phillips is responsible for the injuries also due to him knowing that transportation bus was and has been having mechanical problems before me getting on the bus for transportation. Doing transport to the TDOC transportation Hub to be taken to court Cpl. Justin Thurman and Cpl. John Hollinsworth refuse to help me after I asked for help several times so I wouldn't fall in that fluid, both officers knew fluid was on the floor and still made me walk through it with full shackles. Without any help the fluid on the floor caused me to fall and cause injury to myself and pain. Both officers began dragging me causing more pain and injury to my lower back and hip.

A handwritten signature in black ink, appearing to read "Candace".

12-10-23

#### Statement of claim IV.

On 10/31/2023 I was put on a TDOC transportation going to Nashville from Bledsoe County Correctional Complex going to court. On 10/31/23 as Cpl. Justin Thurman and Cpl. John Hollinsworth began driving the transportation bus, this bus began having mechanical problems, which was causing the bus to be very unsafe. This bus has broken down 2 different times while we were driving to Nashville on the morning of the accident. These same 2 officers pulled the bus over both times and kept refilling the bus with fluid to keep the bus from running hot and every time they filled the bus with fluid, the fluid will leak out inside the bus all down the aisle of the bus where I was being housed, causing me to be unsafe and my feet sitting in standing fluid. I and several other inmates kept telling both of the officers that it's fluid everywhere on the floor of the bus and we were told by the officers that they're too far to turn around. As we made it to the Nashville transportation hub I seen Cpl. Justin Thurman lay soak pads down on the floor only by where the employees will be at and none by me or any other inmates, which made my walk to the front door very unsafe again. I asked Cpl. Justin Thurman for help on walking through that fluid since I was in shackles and was told by him NO we both can't fit in that small hallway. As I began walking I slipped on the fluid and took a hard fall causing injury and pain to my left knee, left elbow and left lower back. As I laid on the floor of the bus I began screaming asking for help due to the pain. Both officers said they couldn't lift me due to my oversized and weight, they began pulling me through the hallway as I kept screaming asking them to stop and they didn't that's when I felt a small pop and the left lower part of my back/hip. I asked for medical attention and both officers thought my injury wasn't serious enough and wasn't calling medical until they realize I was in pain, then they decided to get me help. These are the witness's that seen everything, plus this bus has several camera's that seen everything. These same 2 officers knew this bus was having problems before we left B.C.C.X because they both looked at the fluid leaking on the ground at the B.C.C.X while being loaded on the bus. This same bus has been having mechanical problems almost a year now and they're still using it like it's not causing unsafe conditions for inmates safety. **Corey keele #537991, David foster #462271 and Dale Brown #58056** these inmates seen everything and was on the transportation when everything occurred.

*Corey Howe 12-10-23*

C. What date and approximate time did the events giving rise to your claim(s) occur?

10-31-23 9-11:00 Am

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

See attach

**V. Injuries**

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Left knee, Left elbow, Left Lower Back/Hip. They're not giving me treatment as Requested.

**VI. Relief**

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I'm Seeking \$200,000 due to the officers knowing the bus was having Problems before we left the prison, and by them not taking my Safety Serious I was injured due to the not putting my safety first. Now I'm having problems walking and standing long periods of time.



On 10/31/23 I **Cartez Horne** was on the Tennessee Department of Correction transportation bus that was leaking a thick radiator fluid all down the aisle of the bus. The 2 officers that was transporting me knew about the leak because they kept pulling the bus over to refill the fluid. As we made it to the transportation hub I asked for help and **Cpl. Justin Thurman** denied me, stating that the hallway was too small for both of us to fit in. I was in full handcuff shackles from hands to feet's and I needed help like I asked. So, as I walked out the holding cage on the bus, I slipped in the fluid and fall. I hurt my left knee, left hip and left elbow. As I laid on the floor, asking for help **Cpl. Justin Thurman** and **Cpl. John Hollinsworth** began pulling me due to me being oversized and to heavy for them to lift, I kept screaming telling them I'm in pain and please stop pulling me, as they kept pulling me that's when I heard a small pop in the left lower part of my back/hip. The bus has serval camera's and I have 4 witness that can verify everything that happened during my slip and fall. **Corey Keele #537991, David Foster #462271, John Cunningham #647712 and Dale Brown #580506**

*Cartez Horne*

*12-10-23*



## VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Bledsoe County Correctional Complex

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

Causation and injury, failure to provide treatment, officials delay in getting Medical attention

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Bledsoe County Correctional Complex

2. What did you claim in your grievance?

officers not providing safe transportation and safe environment

3. What was the result, if any?

The grievant failed to substantiate allegations

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

I appealed the decision to the Warden and Commissioner

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*I have written the Warden several letters asking for help and no response*  
(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

#### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☒ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 12-10-23

Signature of Plaintiff

Printed Name of Plaintiff

Prison Identification #

Prison Address

Carter Horne  
Carter Horne  
566820  
1045 Horsehead Rd  
Pikeville Tn 37367  
City State Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

\_\_\_\_\_  
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\_\_\_\_\_  
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City State Zip Code

Telephone Number

E-mail Address

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